S.B. CIVIL WRIT PETITION NO.7478/2007.

Ibrahim
Vs.
State

Date of order : 12/12/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri K.C. Sharma for the petitioner.
Shri Harshvardhan Nandvana, Government Counsel.

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Heard learned counsel for the parties.

The writ petition is filed for release of the petitioner on emergent parole on the ground of illness of his wife. The writ petition was filed way back on 14/9/2007.

Learned counsel for the petitioner has argued that total period of sentence awarded to the petitioner is 10 years whereas, he has already served more than five years of sentence. He is not released on parole even once.

Learned counsel for the respondents submits that petitioner cannot be released on emergent parole because he is a convict of offence u/S.8/29 of the NDPS Act. Even otherwise, petitioner has not submitted any application to the jail authorities for his release on parole on the ground of treatment of his wife and in case he moves an application to this effect, his matter shall be processed for grant of parole.

In the facts of the case, I set the petitioner at liberty to move a representation to the

Superintendent, Central Jail, Ajmer for parole and in case such a representation is made, the Superintendent, Central Jail, Ajmer shall process his case for grant of parole to the District Advisory Parole Committee for his regular bail/parole as per rules. When the application/representation of the petitioner is filed, final decision on such application/representation shall be taken within two moths thereafter.

The writ petition is disposed of accordingly. A copy of this order be endorsed to the Superintendent Central Jail, Ajmer for necessary compliance.

(MOHAMMAD RAFIQ), J.

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